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RESPONSE UNDER 37 C.F.R. 1.116  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1638**

Attorney Docket No. 5051-471

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Conkling et al.  
Serial No.: 09/941,042  
Filed: August 28, 2001  
For: *NUCLEIC ACIDS AND METHODS FOR PRODUCING TRANSGENIC PLANTS  
CONTAINING MOLECULAR DECOYS*

Confirmation No.: 4291

Group Art Unit: 1638

Examiner: A. Kubelik

Date: October 13, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC §134, 37 CFR § 1.191, and MPEP §1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated April 13, 2004 at least twice rejected or finally rejecting claims 1 and 4-73.

☒ Enclosed is a check in the amount of \$340.00 for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1).

☐ Payment by credit card is requested. Form PTO-2038 is attached.

☒ A petition for a three-month extension of time under 37 CFR 1.17(a)(3) and check in the amount of \$980.00 is enclosed.

☒ Also enclosed: **Amendment under 37 C.F.R. § 1.116.**

☒ The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully submitted,

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*Mary L. Miller*

Mary L. Miller

Registration No. 39,303

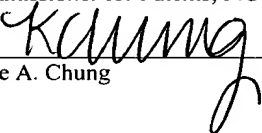
Attorney Docket No. 5051.471  
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**CERTIFICATE OF EXPRESS MAIL**

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Katie A. Chung